

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAKIYO YAMASHITA,

Plaintiff,

v.

KAIJU STUDIOS LLC, DAVID BORDEN,
RANDY BORDEN AND FENWAY
RECORDINGS,

Defendants.

Civil Action No. 05-10298 RWZ

NOTICE OF DISMISSAL WITH PREJUDICE

Pursuant to Fed.R.Civ.P. 41(a)(1)(ii) and the settlement agreement entered into by the parties, the plaintiff dismisses the above action with prejudice.

Dated: September 28, 2005

/s/Heidi E. Harvey

Heidi E. Harvey (#548114)
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail/hand on September 28, 2005.